

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

ORIGINAL

In re Application of

U.S. Three Broadcasting Corp.
(Robert B. Taylor)

For Renewal of License of
FM Station WKSJ,
Jupiter, Florida

TO: Chief, Mass Media Bureau

MAR 23 10 58 AM '89

AUDIO SERVICES
DIVISION

File No. BRH-880926UJ

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FM EXAMINERS

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MOTION TO STRIKE

Jose Oaks ("Petitioner"), by his attorneys, hereby requests that the Commission issue an order striking the "Opposition To Petition To Deny" (the "Opposition") filed on January 31, 1989 by Robert B. Taylor ("Taylor") on the ground that it does not meet the basic requirements of the Commission's rules. In support of this motion, the following is shown:

1. Taylor is the licensee of FM broadcast station WKSJ, and companion station WTRU(AM), Jupiter, Florida. Through wholly-owned corporations, Taylor acquired these stations on or about September 18, 1984. See January 3, 1989, Petition To Deny of Jose Oaks in the above-captioned matter (the "Petition To Deny") at p. 2.

2. Station WKSJ is the only FM station licensed to Jupiter, Florida. Yet, WKSJ has been silent since April 1987, pursuant to authority granted by the Commission, pending potential changes in the allocated channel for WKSJ. Petition To Deny at p. 2. Station WTRU has also been silent although no technical changes to that station were pending before the Commission. Id. The Commission has since November 1988 granted Taylor a construction permit (BPH-880831IE) to modify the frequency on which WKSJ operates. To date, based on information and belief, neither of the two stations has resumed operations.

3. On January 3, 1989, Petitioner filed the Petition To Deny the renewal application of station WKSJ. The Petition To Deny alleged that Taylor, through its predecessor in interest, breached the public trust by conducting contests in violation of Section 73.1216 of the Commission's rules. As support for the allegations, Petitioner submitted three complaints filed in Palm Beach County Circuit Court by station listeners claiming that during the period October-November 1986, shortly before WSKY went off the air, Taylor fraudulently conducted contests and offered prizes which were never awarded. Petition To Deny at Attachment B.

4. An opposition to the Petition To Deny would have been due by February 1, 1989. The undersigned's office never received an opposition to the Petition To Deny. The

undersigned caused the Commission's files to be searched after February 1, 1989 (see Statement of Marni Shapiro attached hereto as Exhibit A) to determine if Taylor had filed an opposition to the Petition. No such opposition was found in the pertinent station files at the Commission.

5. On March 8, 1989, while examining Commission's files for an unrelated matter, Ms. Shapiro found in a folder at the Commission a copy of Taylor's Opposition. As the copy attached as Exhibit B hereto demonstrates, the opposition contains no certificate of service or other reference that a copy was mailed to the undersigned or to Petitioner personally.

6. In addition, the cover letter to the opposition indicates that only an original and two copies of the opposition were sent by Taylor to the Commission. Section 1.51 of the Commission's rules requires that the original and four copies be filed with the Secretary's office.

7. Upon learning on March 8, 1989, of the existence of the opposition, the undersigned contacted James Bayes, communications counsel to Taylor, to inquire about the situation. Mr. Bayes indicated to the undersigned that Taylor was handling this matter directly. The undersigned, who was departing on that same date to prosecute a court case out of the District of Columbia, filed with the Commission on March 8, 1989, the letter attached as Exhibit C hereto.

8. Petitioner submits that Taylor's opposition must be stricken and returned without consideration.^{1/} The filing of the opposition without providing service on the undersigned is a violation of the Commission's rules. Members of the public such as Petitioner should not have to depend on mere happenstance in order to be able to obtain the documents needed to prosecute a matter before the Commission which implicates the public interest. The filing of fewer copies of the opposition than required apparently also contributed to the unavailability of the opposition in the pertinent Commission files. Taylor's maneuverings to lead the Commission to decide on such important allegations without further Petitioner participation cannot be condoned.

9. The opposition is an ex parte communication of the worse kind. It aims at preventing the Commission from fully investigating the veracity of allegations raised against a licensee in the critical context of the license renewal. It also deprives the public of its opportunity to challenge a licensee's claim that it has operated in the public interest and the veracity of the facts submitted in support thereof.

^{1/} Taylor attempts to direct the Commission's attention to the alleged motives behind the Petition To Deny rather than to provide a firm, unequivocal response to the violations of the Commission's rules through proper affidavits. While not germane to this Motion To Strike, Petitioner will stand ready to address the inaccuracies in Taylor's accounts of the residence of Petitioner and the motive behind the filing of the Petition To Deny in a reply to the Opposition should the Commission decline to grant this Motion.

10. Taylor cannot claim ignorance of the Commission's service requirements. It received a copy of the Petition To Deny which contains a certificate of service. Taylor has also been a Commission licensee for some time (in Florida and in Indiana) and it is his duty to be familiar with all applicable rules and regulations. If Taylor for some reason determined to handle this matter without counsel, he should have inquired of the applicable requirements from his current counsel.

11. Furthermore, Taylor's opposition fails to meet the requirements of Section 73.3587(b) of the Commission's rules that allegations of fact or denials be supported by affidavits of persons with personal knowledge. Taylor attempts to dispute the allegations contained in the Petition To Deny by narrating his version of the facts and making hearsay statements about the actions and representations of other individuals involved in those occurrences. Taylor, however, does not support those facts with statements from those third parties attesting to the veracity of the facts alleged by Taylor on their behalf. This unsupported attempt to refute the serious allegations raised by Petitioner fails to adequately address the substantial and

material questions of fact raised by the Petition To Deny and warranting a hearing.^{2/}

12. For example, Taylor accuses Petitioner (Opposition at p.4) of misleading the Commission into believing WKSJ promoted "contests." The complaint filed by James Tucker (Attachment B to Petition To Deny) indicates at paragraph 5 that "The parties were advertised as including drawings for prizes." The complaint also states that in reliance of those drawings, the plaintiff attended the listener party. The other two complaints contain similar allegations. Taylor is merely playing a game of semantics -- a contest can be a scheme whereby a prize is offered based upon chance to members of the public (47 C.F.R. § 73.1216, Note 1). In any event, the complaints have been submitted to the Commission and the Commission can, in a hearing, properly assess the nature of the "drawings for prizes" and the circumstances under which the drawings were advertised and conducted. Taylor may at that time submit the showing he has failed to include in the Opposition as to why he believes contests were not involved. It is not sufficient to allege that the word "contest" does not appear in the complaint or in the WKSJ advertisement for the

^{2/} This unwillingness to seek out the individuals involved to obtain statements in support of the Opposition is particularly troublesome in light of the fact that Taylor's Opposition also violates Section 1.52 of the Commission's rules in that it is filed by a party not represented by an attorney but it is not verified.

drawings, without even attempting to provide a copy of any such printed advertisements or any other record of the text of any on-air announcements.

13. Likewise, Taylor states Petitioner misled the Commission by stating that Taylor did not deliver prizes which were awarded. The complaints, however, very clearly were filed for the exclusive purpose of obtaining prizes which were allegedly awarded and not delivered to the plaintiffs.

14. The three complaints also indicate the prize winners were announced over the radio station. Taylor himself acknowledged (Opposition at p. 7) that the promotion manager would call the station from the listener parties and talk on the air. It is Taylor's burden to establish convincingly by statements of the persons who conducted the contests and the on-air personnel at the time the drawings were taking place that WKSJ's facilities were not used in connection with the contest activities. Taylor cannot present its unsupported version of the facts by taking language from the complaint and interpreting what the complainants meant. Opposition at p. 5, ¶(c). Only the complainants themselves can do that and explain the bases for their allegations of fraud against Taylor.^{3/}

^{3/} In any event, it would be irrelevant whether the contests were actually announced over the air, to the extent that the alleged fraudulent conduct took place in the context of WKSJ station promotions and prizes were promised over the air.

15. Taylor himself has no personal knowledge of the events leading to the alleged fraudulent conduct in violation of the Commission's rules as WKSJ employee Robert Cox was in charge of promotions and Taylor never alleges attendance at any event where the contests took place. Taylor, however, places responsibility for the misconduct on Cox and suggests that the mass firing of Cox and three other employees took care of the problem.

16. Conspicuously absent from the Opposition are the statements of these four employees corroborating the facts as told by Taylor. Were these employees told that they were being fired because of the alleged fraudulent conduct? Were the facts surrounding the contests ascertained by Taylor at the time of terminating the employees? Were these employees directed by Taylor or WKSJ management to conduct the contests the way they were conducted? Were these employees properly supervised by Taylor in the conduct of their duties? Absent their statements in support of Taylor's allegations, these employees who are being accused of misconduct should be permitted to appear as witnesses in their own defense and explain why the misconduct took place, whether Taylor or management had any role on it, and whether the station routinely engaged in this type of conduct.

17. Taylor makes serious allegations against Cox in connection with the prizes claimed by plaintiff Tucker -

allegations of drunken behavior and unprofessional conduct. These explanations, however, cannot take the place of a statement from Cox as to the extent he, on behalf of WKSJ, made public representations that Tucker had won prizes which were never awarded and as to how WKSJ found itself promising prizes it did not have. Likewise, there is no statement from Tucker establishing that, in fact, Cox was the person who promised the prizes in question and whether the station had any involvement in the awarding of those prizes. This account of the facts is particularly troublesome to the extent that Taylor acknowledges WKSJ kept no proper records of these promotions and contests or the prizes awarded.

18. Likewise, plaintiffs Mattingly and Koem were offered by WKSJ Acapulco vacations but never told that, in fact, it was only lodging they were getting. On Taylor's own account of the facts, the station misrepresented the nature of the prizes. These plaintiffs' decision to file suit and incur legal fees to vindicate their rights instead of accepting a cruise vacation allegedly offered by Taylor suggests that the facts may not be as related by Taylor. The Opposition does leave a few facts clear: that prizes were announced at station promotions, that those prizes were not awarded, that the nature of some of the prizes was falsely represented, and that the drawings were not conducted as advertised. Also apparent is Taylor's failure to supervise Cox, and the station's questionable record-keeping

practices in connection with the contests. It is Taylor's burden to convincingly refute the very serious allegations raised by the three WKSJ's listeners.

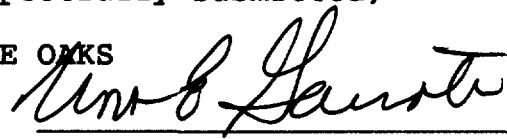
19. In summary, Taylor's Opposition violates the Commission's procedural rules and blatantly fails to resolve the substantial and material questions of fact raised in the Petition To Deny. The violations of the Commission's rules surrounding the filing of the Opposition are additional examples of Taylor's inability to abide by the Commission's rules and raise further questions about Taylor's fitness to be WKSJ's licensee. Furthermore, Taylor's attempt to satisfy the questions raised against it by providing a one-sided, hearsay, unverified account of the "facts" deprives the Opposition of any indicia of reliability. It is in the public interest to strike the Opposition and proceed to a hearing to probe, through witness examination, the circumstances surrounding the contests, the complaints filed by the listeners, the termination of employees allegedly because of their involvement with the contests and Taylor's supervision of those employees, and the failure to satisfy Commission requirements for the filing of the Opposition.

WHEREFORE, in light of the foregoing, the Opposition should be stricken.

Respectfully submitted,

JOSE OKS

By:



Nora E. Garrote
PIPER & MARBURY
1200 Nineteenth, N.W.
Suite 700
Washington, D.C. 20036
(202) 861-3900

Date: March 22, 1989

Exhibit A

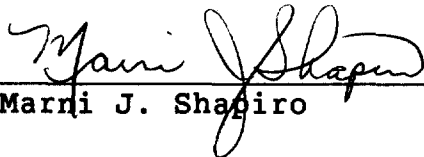
STATEMENT

I, Marni J. Shapiro, hereby state, under penalty of perjury, that:

1. I am employed as a legal assistant in the Communications Department of Piper & Marbury.

2. On February 9, 1989, at the direction of Nora E. Garrote, an attorney at Piper & Marbury, I asked at the Public Reference Room of the Federal Communications Commission for the station and renewal files for stations WKSJ and WTRU, Jupiter, Florida. I had been asked by Ms. Garrote to determine if an opposition had been filed by Robert Taylor, U.S. Three Broadcasting Corporation, or any other entity to the Petition to Deny filed by Jose Oaks on January 3, 1989. In reviewing those files, I did not find any opposition to the Petition to Deny the renewal application of WKSJ filed by Jose Oaks. I again checked the Commission's files at the end of February.

3. However, on March 8, 1989, while attempting to locate renewal information on another Florida radio station, I was given a red accordion file which is maintained by the Reference Room, which contained a collection of petitions to deny. While looking through the stack of petitions, I came across a document filed by Robert Taylor opposing the Petition to Deny filed by Jose Oaks. I made a copy of the document as I found it in that file. No certificate of service was attached to the document as contained in the FCC's file.


Marni J. Shapiro

Date: March 22, 1989

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Exhibit B

January 27, 1989

Robert B. Taylor, Licensee
WKSJ (FM)
500 North Delaware Blvd.
P.O. Box 848
Jupiter, Florida 33458

Ms. Donna R. Searcy, Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

Re: File No. BRH-880926UJ

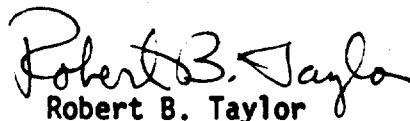
Dear Ms. Searcy:

Please find enclosed for filing the original and two copies
of an "Opposition To Petition To Deny."

This is in reply to a "Petition To Deny" filed on January 3,
1989, by Jose Oaks.

Please call the undersigned at (407) 744-6398 should there
be any question about this matter.

Sincerely,


Robert B. Taylor

RBT:caft

Enclosures

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WASHINGTON, D.C. 20554

In re Application of

U.S. Three Broadcasting Corp.
(Robert B. Taylor)

For Renewal of License of
FM Station WKSJ,
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File No. BRH-880926UJ

To: Chief, Mass Media Bureau

OPPOSITION TO PETITION TO DENY

1) "Jose Oaks" ("Petitioner"), asserts in his Petition To Deny that he "resides seasonally and has a place of business within the listening area of WKSJ." With that statement, Mr. Oaks has tried to deliberately mislead the Commission. In fact, Mr. Oaks is not a legal resident of the state of Florida, and the addresses he gives in Boca Raton are not within the WKSJ coverage area. Under FCC rules, the usable coverage area of an FM station extends only to the station's 1 Mv/M or 60 dbu circle. The "local" addresses given by Mr. Oaks are approximately 42 miles south of the WKSJ tower site in Jupiter, or approximately 27 miles beyond the coverage area of WKSJ.

2) a) The Commission should be aware that "Jose Oaks" Petition To Deny is a sham and an abuse of the Commission's rules. "Jose Oaks" is a front for a man named Kenneth Dawson whose home address is 6479 Las Flores Drive, Boca Raton, Florida 33433. In his Petition To Deny, "Jose Oaks" gives the Commission a sworn statement that he has "seasonally resided at 6479 Las Flores Drive, Boca Raton, Florida 33433, during this past year."

Since this is the personal residence of Kenneth Dawson where Dawson lives with his wife and children, apparently "Jose Oaks" means that when he came down to Florida to visit last winter he stayed overnight in the guest bedroom at Dawson's house. This hardly makes him a resident. Yet he is attempting to mislead the Commission into believing that he is a Florida resident and lives within the WKSJ coverage area, when neither is true.

b) All the material presented in "Jose Oaks" Petition To Deny was assembled and prepared by Kenneth Dawson. On October 21, 1988, Dawson, by his attorney, Nora E. Garrotte of Piper & Marbury (the same attorney he used to prepare the "Jose Oaks" Petition To Deny), filed with the secretary of the Commission a pleading entitled "Reply Comments In Opposition To Counter-proposal of U.S. Three Broadcasting Corporation" as part of MM Docket No. 88-366, RM-6260, which contains the exact same charges, allegations, and exhibits that have been presented to the Commission a second time as "Jose Oaks" Petition To Deny.

c) Kenneth Dawson's motive is money. He wants a payoff. He wants me to pay him. He's using the Commission's processes to achieve his own personal financial gain. Here is what happened:

Fall 1986. Dawson approached me at the WKSJ office in Jupiter asking for employment. I politely turned down his offer. He then asked me to sell the stations to him.

April 22, 1988. Dawson sent me a letter (Exhibit 1).
In the last paragraph on the first page, Dawson states

that "under my direction" (Dawson's direction) the Jupiter stations could become successful. While he doesn't make it clear whether he is seeking employment or seeking to purchase the stations, he is apparently asking me to sell to him because on page 2 of his letter he discusses financing.

November 22, 1988. Kenneth Dawson and I met for an hour at Denny's Restaurant, 4102 Blue Heron Blvd., Riviera Beach, Florida. During this meeting Dawson suggested to me that the same material he had filed in his October 21, 1988 pleading (see b above) would be used against me as part of the FCC license renewal process for WKSJ (FM), Jupiter, unless I agreed to employ him as manager of the Jupiter FM and agreed to allow him to purchase stock in the licensee corporation equaling 20% to 25% of the equity.

November 27, 1988. On this date and another day in early December 1988 Dawson telephoned me at the WKSJ office and repeated his demands. He again threatened to take action against my license if I didn't capitulate. He pointed out that he had to file at the FCC by the end of December so I should accede to his demands now in order to avoid his filing.

January 3, 1989. Dawson files the Petition To Deny

using the name "Jose Oaks."

January 20, 1989. On this date Dawson again telephoned me at the WKSJ office. Admitting to me verbally that he had filed the "Jose Oaks" Petition To Deny, Dawson told me he would withdraw his Petition at the FCC if I paid him and hired him. In effect he is using the FCC procedures to blackmail me.

3) "Jose Oaks" again attempted to give false information to the Commission on page 3 of his Petition. "Oaks" states: "Each complaint contains similar allegations that...applicant fraudulently used the station's facilities to promote applicant-sponsored contests for which prizes were openly promised but never awarded." Here, "Oaks" is again deliberately trying to mislead the Commission as to what the complaints contain. In fact, none of the complaints contain allegations as "Oaks" describes them.

a) None of the complaints allege that contests were promoted on WKSJ. Instead, the complaints allege that WKSJ advertised and conducted a series of listener parties. "Oaks" is trying to mislead the Commission into believing that advertising listener parties on WKSJ was the same as advertising contests. The word contest does not appear in the complaints (or in the WKSJ advertisements).

b) With his statement, "Oaks" is also trying to mislead the Commission that WKSJ did not deliver prizes that were awarded. The complaints do not suggest this. The complaints refer to four specifically described

prizes. In fact, not on the air, but rather at the parties, off-the-air, WKSJ awarded and delivered dozens of prizes to listeners in attendance. These prizes were awarded by random drawings, not by contests.

c) The complaints falsely state that "all expense paid vacations" were advertised as prizes. While this is not true, it should be noted that "Oaks" says that such statements were made on-the-air on WKSJ ("used the station's facilities"). Actually, the complaints do not allege that such statements were made on-the-air on WKSJ. Instead the complaints vaguely state "through its radio station" which refers to the radio station co-sponsored parties at the restaurants or the WKSJ participation in the car show at the mall.

4) The following is a detailed explanation of what actually happened regarding the three listeners who filed complaints:

The WKSJ licensee, U.S. Three Broadcasting Corporation, authorized a management employee, WKSJ General Sales Manager Robert L. Cox, to handle station promotions. The allegations concern promotions organized by Mr. Cox during the fall of 1986.

In December 1986 I became aware that Mr. Cox was not administering his promotions as carefully as he should have. This came to my attention during a period of a week to ten days just before Christmas when I received a few telephone calls in my office at the radio station from persons inquiring about prizes. I immediately conducted a personal investigation which I completed the weekend of December 27-28, 1986. As a result of the information

I uncovered, I decided that the employees responsible should be relieved of their duties. On Monday morning, December 29, 1986, as each arrived for work at the radio station, I dismissed from employment, effective immediately, the following station employees:

- a) Robert L. Cox, General Sales Manager
- b) Sherri L. McKin, Sales Secretary and Assistant to Mr. Cox
- c) Deborah S. Kessler, Account Executive
- d) Lorraine Mustapick, Account Executive

While I placed responsibility for the poor administration of the promotions directly on Mr. Cox, I felt his assistant, Mrs. McKin, and two of his sales associates who worked with him on the promotions should have been aware of what he was doing. Since these three had failed to alert me to the facts of these events, either at the time or afterward, I felt that all four employees had to be fired.

My investigation produced the following information:

- a) Mr. Cox had organized a series of weekly promotions called "Mid-week Attitude Adjustment Parties." These were happy hour promotions with local restaurants and night spots. Mr. Cox scheduled a total of six of these events during late October, November and early December 1986. Each was held for an hour and 37 minutes, from 5:00 PM to 6:37 PM on Wednesday evenings at the sponsoring establishment. The on-air announcements on WKSJ and advertising flyers distributed in advance stated that WKSJ would be "giving away prizes." Other than saying that lunches and dinners would be given away and

that there would be free refreshments at the parties, no other specific prizes were announced. The word "contest" was not used. The ads invited listeners to attend a party. The ads did not invite listeners to enter any contest. Prizes were awarded at the night clubs, not at WKSJ radio or on the air. In some cases as part of the promotion, Mr. Cox would find a pay phone at the club, call the station, and talk on the air live with the evening announcer on duty. The nature of the call was to invite listeners to come join the party at the club.

b) Mr. Cox had also organized a promotion during Thanksgiving weekend 1986 which involved a car show co-sponsored and held at a local shopping center, the Jupiter Mall. Prizes included individually inscribed trophies which were custom made by WKSJ and awarded to winners of the antique car judging. I personally saw the trophies when they were delivered to the radio station by the manufacturer and I observed the winners as they stopped in at WKSJ to pick up their trophies.

c) My investigation showed that Mr. Cox had obtained a variety of prizes which were subsequently awarded and delivered to listeners. However, I discovered that one of Mr. Cox's suppliers was delivering travel trips that were not exactly the way Mr. Cox described them. This supplier was a local travel agent named Randy Rovins, also known as Randy Stevens. Mr. Rovins operated a travel business known as Passkey-Hollywood Tours at 2525 Old Okeechobee Road, Suite 1, West Palm Beach, Florida 33409 (see Exhibit 2, copy of letter from Rovins to Taylor). Mr. Rovins provided the trips in a

barter arrangement for air time. Mr. Cox provided Mr. Rovins (using the alias of Randy Stevens) with one hour of air time weekly on the station for a program called "Travel Talk."

d) Over a period of three months, January, February and March 1987, I spoke by phone with several persons who claimed they had won prizes. I discovered that Mr. Cox had failed to give anything in writing to winners. The meager written material left by Mr. Cox and Mrs. McKin after their dismissals also failed to list some of the persons who claimed orally to be winners. Nevertheless, I accepted each person's oral claim as valid and proceeded to furnish prizes. Some of the prizes were record albums which were already at our office waiting to be picked up. Others had won dinners for which I personally prepared certificates redeemable at Parker's Lighthouse Restaurant in North Palm Beach. I confirmed these dinners when I personally met with the restaurant manager, then I mailed the certificates to the winners.

For those persons who claimed they had won a particular trip, I tried to get these trips honored by Randy Rovins. In that effort, I spoke with Mr. Rovins multiple times during January and February 1987. In most cases, Mr. Rovins was cooperative. For example, in January a Connie Rodriguez of Lake Park called and claimed to have won a trip to Disney World. On January 22, 1987, I spoke to Mr. Rovins who acknowledged the trip and agreed to provide the necessary paperwork to the winner.

WKSJ had a second trip supplier who was working with me. In early January I arranged with Joe Valle of Crown Cruise Lines in Fort Lauderdale to

provide WKSJ with ten cruises for two to Grand Bahama Island, sailing from the Port of Palm Beach on the cruise ship "Viking Princess." During January and February all of these trips were given by me to those persons who had called claiming to have won a trip or other prize.

e) Three persons who were apparently acquainted with each other and with a North Palm Beach based attorney named Terry McManus agreed to have him file civil complaints on their behalf. All three complaints were subsequently dismissed for lack of prosecution. Here are the details on each of the three as I know them:

1) James Tucker. This man I got to know very well during January and February 1987. I phoned him repeatedly at work trying to satisfy his claims. Mr. Tucker was a resident of Stuart, Florida, who worked at Pratt & Whitney Aircraft, a subsidiary of United Technologies Corp. Part of the problem with Mr. Tucker was that his claims were all oral; he had nothing in writing. Unfortunately, the paperwork left by Mr. Cox and Mrs. McKin had nothing about Mr. Tucker either. To the best of my knowledge, during Mr. Cox's promotions there was never a monetary value mentioned in connection with any trip. However, for a trip only described to him orally, with nothing in writing, Mr. Tucker thought he could tell me all about it including its estimated market value. I phoned Randy Rovins

and told him about James Tucker and the trips he described. Mr. Rovins claimed that he never agreed to provide a trip to Hawaii, and that perhaps Mr. Tucker was thinking of the Acapulco trips that Rovins had agreed to provide. There is nothing in writing anywhere about the two trips Tucker claims to have won. Neither trip was described on the air on WKSJ either in prepared announcements or during Mr. Cox's phone calls from the clubs.

It was publicly announced in advance that the WKSJ promotion ended at 6:37 PM. It was Mr. Cox's practice to have his own private party at the club each Wednesday night starting when he went off duty as the promotion ended at 6:37 PM. At that time Mr. Cox would gather a table of friends and his wife to share cocktails and conversation. I was told later by persons who had attended these events that Cox would sometimes feel the effects of the liquor and become quite noisy. While I have no knowledge of this happening, I think it is entirely possible that on the occasions Tucker cites he may have shared a drink with Mr. Cox during which Cox's alcohol fueled ego prompted him to award imaginary prizes to a gullible Mr. Tucker. I don't know. I wasn't there. I think it's either that or Randy Rovins deceived Mr. Cox and/or me about what trips he had

agreed to provide.

In any case, I proceeded to provide prizes to Mr. Tucker. On January 22, 1987, I mailed a certificate to Mr. Tucker's address which was redeemable for dinner for him and his wife at Parker's Lighthouse Restaurant. Tucker had agreed to accept this prize in a phone conversation I had with him that day. At the same time I offered him and his wife the trip for two to the Bahamas on the Viking Princess that I already had arranged. Tucker was non-committal on the Bahamas trip. Subsequently, I talked to Tucker again on January 30, 1987. I again described the Bahamas cruise to him and told him he could schedule it at his convenience through Joe Valle at Crown Cruise Lines. I told him I would call Mr. Valle myself to make reservations for Tucker and his wife. However, instead of accepting the Bahamas trip I offered, Tucker agreed with Mr. McManus to file his complaint.

2) Candy Mattingly. I talked with Miss Mattingly twice on the phone in early February 1987. She claimed to have won an Acapulco trip as a prize at the car show, but had nothing in writing. Again I questioned Randy Rovins. He said yes, he had agreed to provide Mr. Cox with certificates redeemable for hotel accommodations at a certain hotel in Acapulco. Rovins stressed to me that these certificates

were for lodging only and did not include meals or transportation. When I explained this to Miss Mattingly she refused to accept it. So, as an alternative, I offered her the cruise for two to Grand Bahama on the "Viking Princess". She declined this also and chose to allow Mr. McManus to file her complaint instead.

3) Keith Koemm. I don't remember talking to Mr. Koemm, but I did speak by phone with his wife, Marlena. They claimed to have won an Acapulco trip but had nothing in writing. I explained the Acapulco trip was lodging only. She said if transportation wasn't included they wouldn't accept it. I also offered the Koemm's a Bahamas cruise for two from Crown Cruise Lines but they weren't interested. Instead they decided to let Mr. McManus file their complaint.

f) In summary, the president of the licensee personally took charge of this situation and spent much time, effort and money working to resolve it satisfactorily. All parties involved were treated fairly. In a decisive yet fair manner, four careless employees were swiftly discharged. Persons claiming without proof that WKSJ owed them something were all given comparable prizes. If they didn't receive the prize it was because they refused it. Every person was spoken to with courtesy and politeness.

Respectfully submitted,



Robert B. Taylor, Licensee, WKSJ (FM)
500 N. Delaware Blvd., P.O. Box 848
Jupiter, Florida 33458

Date: January 27, 1989

KENNETH DAWSON
6479 Las Flores Drive
Boca Raton, Florida 33433
(407) 487-5252

April 22, 1988

Mr. Robert Taylor
P.O. Box 848
Jupiter, Fl. 33468

Dear Bob;

I hope all is well.

Since our last meeting, I have been very active in the Palm Beach radio market. I was instrumental in finalizing a most successful sale for the Aspinwalls of WPBR Radio. My duties included pumping up the sales for a more attractive bottom line, format modification and stabilization, and engineering cleanup.

I am currently General Manager/Sales Manager for Radio Station WPOM. In my capacity, I have increased sales over 50%, to a monthly base of 70K. The station is now profitable for the first time in many years. I also produced a turnaround in programming by using my expertise in audience development, and by locating and hiring an experienced and enthusiastic staff dedicated to success and team goals. WPOM with it's Urban Adult Contemporary format, is the Hot station in Palm Beach County.

However, because the WPOM ownership has not honored business commitments they made both to me and my staff, I am resigning my position.

I cannot emphasize too strongly my view that your stations could become, under my direction, one of South Florida's most successful broadcast properties. Along with the key sales and on air personnel I will bring to your station from WPOM, the good will I have personally developed with community, business and elected officials will further insure a profitable operation. The ability to split program both of your stations will enable you to achieve the demographic mix necessary for maximum ratings. Furthermore, you will also neutralize and capture the sales of the Urban station in Boynton Beach.